

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Thomas F. CALLAHAN
Serial Number: 09/522,834
Filed: 03/10/2000
Attorney Docket No: 01720/UREA-9701-C
Group Art Unit No: 2644
Examiner: Ping Lee

For: NOISE BARRIER APPARATUS HAVING ACOUSTIC WAVE DAMPING
CUSHIONS

Lebanon, New Hampshire
June 2, 2006

Commissioner for Patents
Alexandria, VA 22213

S I R:

TERMINAL DISCLAIMER TO OVERCOME NON-STATUTORY
DOUBLE PATENTING

In response to the office action dated 04/06/2006, Applicant's attorney has prepared the following terminal disclaimer to overcome the issue of non-statutory double patenting raised by the Examiner.

In the office action, the Examiner rejected the claims as being unpatentable over U.S. Patent 5,917,918. Accordingly, the following terminal disclaimer disclaims the terminal part of the statutory term of any patent granted on the present application which would extend beyond the full statutory term of U.S. Patent 5,917,918, and agrees that such patent shall be enforceable only so long as it is commonly owned with U.S. Patent 5,917,918. The rights in the present application and in U.S. Patent 5,917,918 have been assigned to Matthew G. Callahan, as set forth in the attachments to the terminal disclaimer. Attachment A is a copy of a document confirming that the rights in the present application were properly assigned to Matthew G. Callahan in an earlier assignment, as a previous assignment was invalid. This document was recorded on May

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Response to Office Action - Page 2

31, 2006, Reel No. 017703, Frame No. 0644; the assignment of the present application to Matthew G. Callahan was recorded on January 26, 2006, Reel No. 017072, Frame No. 0337. Attachment B is a copy of an assignment of any rights in U.S. Patent 5,917,918 to Matthew G. Callahan, which was recorded on May 31, 2006, Reel No. 017681, Frame No. 0983.

The fee for the disclaimer is being paid herewith. In the event of any deficiency in the fee, authorization is hereby given to charge the disclaimer fee to deposit account no. 23-0803.

With this terminal disclaimer, all remaining issues should be resolved and the claims should be in a condition for allowance. Such allowance is respectfully requested.

Respectfully submitted,
Thomas F. Callahan

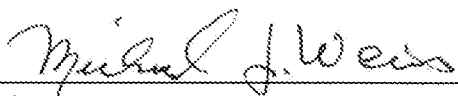
By: Michael J. Weins
Michael J. Weins
31 Bank Street
Lebanon, NH 03766
(603) 448-1922
Reg. No. 28,485

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
OVER A "PRIOR" PATENT**

Docket Number: P 04-20
In re Application of: Thomas F. CALLAHAN
Application No.: 09/522,834
Filed: 03/10/2000
For: Noise Barrier Apparatus with Acoustic Wave Damping Cushions

The owner¹, Matthew G. Callahan, of 100% percent interest in the instant application hereby disclaims the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent No. 5,917,918, as the term of said prior patent is defined in 35 U.S.C. 154 and 173, had the maintenance fees for such prior patent been paid. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent² are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

The undersigned is an attorney of record.



Signature

6/2/06
Date

Michael J. WEINS
Reg. No. 28,485
(603) 448-1922

The terminal disclaimer fee under 37 CFR 1.20(d) is included.

¹The present application was assigned by the inventor to Matthew G. Callahan on January 24, 2006. An earlier assignment of the inventor's rights to University Research Engineers and Associates, Inc., of Grantham, New Hampshire made on March 10, 2000 was invalid, as the incorporation of said corporation had been dissolved prior to making such assignment. (See Attachment A.)

²U.S. Patent 5,917,918, which had expired, was assigned to Matthew G. Callahan on May 26, 2006 by the inventor. (See Attachment B.)

Notice of Void Assignment of U.S. Application No. 09/522,834

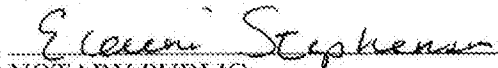
I, Thomas F. Callahan, am the inventor of U.S. Application No. 09/522,834; while I executed an assignment of my rights therein to University Research Engineers and Associates, Inc., of Grantham, New Hampshire on March 10, 2000, the title and interest remained in me, since the incorporation of said corporation had been dissolved prior to my assignment of my rights in the application thereto. In view of the above, the subsequent assignment made on January 24, 2006 properly assigned my rights in the invention to Matthew G. Callahan.


Thomas F. Callahan

Date: 05/26/06

STATE OF NEW HAMPSHIRE
COUNTY OF GRAFTON

On this 26th day of May, 2006 before me personally came Thomas F. Callahan, to me known to be the person described in and who executed the foregoing instrument. Such person duly swore to such instrument before me and duly acknowledged that he executed the same.


NOTARY PUBLIC



Assignment of U.S. Patent 5,917,918

I, Thomas F. Callahan, am the inventor of the subject matter of U.S. Patent 5,917,918; while on its face this patent is assigned to University Research Engineers and Associates, Inc., of Grantham, New Hampshire, the title remained in me since the incorporation of said corporation had been dissolved prior to my assignment of my rights in the patent thereto. Furthermore, said patent has since been allowed to pass into the public domain for failure to pay the maintenance fee. However, to the extent that there exist rights in said patent, such residual rights reside with me.

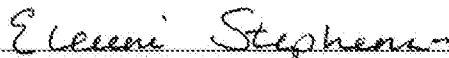
In view of the above, I, Thomas F. Callahan, for valuable consideration the sufficiency of which is acknowledged, do hereby assign all residual rights in such invention to Matthew G. Callahan, thus making him the owner of such patent and the possessor of any right thereto.


Thomas F. Callahan

Date: 05/26/06

STATE OF NEW HAMPSHIRE
COUNTY OF GRAFTON

On this 26th day of May, 2006 before me personally came Thomas F. Callahan, to me known to be the person described in and who executed the foregoing instrument. Such person duly swore to such instrument before me and duly acknowledged that he executed the same.


NOTARY PUBLIC

